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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,535	12/22/2004	Martin V Lowson	0221.0001	6359

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Min Hsieh & Hack
PortfolioIP
PO Box 52050
Minneapolis, MN 55402

EXAMINER

MORROW, JASON S

ART UNIT PAPER NUMBER

3612

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,535

Applicant(s)

LOWSON ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-30, 33-36 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 31, 32 and 37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/16/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the drive means, the drive element, the inner skin, and the control lever projecting through the outer skin of the vehicle body must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-23, 26-30, 33-35, and 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by DeRees et al. (US Patent 5,398,988).

Re claim 21, DeRees et al. discloses a door (14) mounted on a structure for displacement between an open position and a closed position with respect to a door aperture in the structure, the door being connected to the structure by first guide means (34), which constrains a leading edge of the door, with respect to movement towards the open position, to execute an arcuate movement about an axis which is fixed to the structure, and by second guide means (40), which constrains a trailing edge of the door to execute a linear movement substantially parallel to the plane of the door aperture.

Re claim 22, the first guide means comprises a door control lever (34) which is mounted at one end for pivoting movement about an axis fixed to the structure, and is connected at the other end for pivotable movement relative to the door.

Re claim 23, the axis of arcuate movement extends upwardly (see figure 2).

Re claim 26, the door control lever is one of two door control levers (70, 72) which are rigidly mounted on a common shaft which is rotatable about the axis.

Re claim 27, the door control levers are connected to the door at the same perpendicular distance as each other from the axis (see figure 3b).

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Re claim 28, the second guide means comprises a guide element mounted adjacent the trailing edge of the door, the guide element engaging a guide track (40) which is fixed to the structure.

Re claim 29, the guide track extends parallel to the door opening (see figure 2).

Re claim 30, the guide track lies generally in a plane which is perpendicular to the axis of arcuate movement.

Re claim 33, the door is curved about a generally horizontal axis (see figure 3b).

Re claim 34, the structure is a vehicle body having inner and outer skins (it is inherent that the body 10 would have an outer skin, the body work, and an interior skin, the interior trim).

Re claim 35, the axis of arcuate movement extends between the skins (as shown in figure 2, the axis is between the outer thickness of the vehicle and the inner thickness of the vehicle).

Re claim 38, the structure is a vehicle body having inner and outer skins, the guide track being disposed in a channel (the channel at 42 in figure 3a) formed in the outer skin.

Re claim 39, the structure is a vehicle body having inner and outer skins, and the guide track is disposed below a floor panel (the portion of the floor panel above the channel at 42 in figure 3a) which is secured to the vehicle structure.

Re claim 40, the door is part of a vehicle.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24, 25, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRees et al. (US Patent 5,398,988).

Re claims 24 and 25, DeRees et al. discloses all the limitations of the claims, as applied above, except for drive means for pivoting the door control lever relative to the structure, the drive means acting on a drive element which is rigidly connected to the door control lever.

The examiner takes Official Notice that the use of drive means and drive elements for acting on control levers is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a door, such as that disclosed by DeRees et al., to include drive means for pivoting the door control lever relative to the structure, the drive means acting on a drive element which is rigidly connected to the door control lever, as is old and well known in the art, in order to make the door operable remotely and thus increase the convenience of using the door by the vehicle operator.

Re claim 36, DeRees et al. discloses all the limitations of the claim, as applied above, except for the drive means being disposed between the skins.

The examiner takes Official Notice that placing vehicle components, such as motors, between the inner and outer skins of vehicle is old and well known in the art.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a door, such as that disclosed above, to have the drive means be disposed between the skins, as is old and well known in the art, in order to hide the device from the user of the vehicle and thus make the appearance of the vehicle more pleasing.

Allowable Subject Matter

7. Claims 31, 32, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oxley et al., Hahn, Tong et al., Manuel, and Matsumura et al. disclose vehicle door arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 1, 2006

Jason S. Morrow
Primary Examiner
Art Unit 3612

JASON MORROW
PRIMARY PATENT EXAMINER

9/1/06